

**Can an agency accept a payment or in-kind gift for official travel?**

- Yes, provided that the travel gift:
 - was not asked for (solicited),
 - is not for first-class travel, and
 - acceptance will not create an appearance of loss of impartiality.

When is an appearance of loss of impartiality likely?

- Although this is determined on a case-by-case basis, generally a travel gift will create an appearance problem if:
 - it is from an agency contractor,
 - it is from an agency grantee,
 - it is from a member of an industry regulated by the agency,
 - it is from someone with an interest in a controversial matter before the agency.

What is an “agency” for purposes of a travel gift analysis?

- The operating unit of the traveling employee or, for NOAA, the line office and for NIST, the program office.

May an honorarium be accepted?

- No.

What procedures apply for accepting a travel gift?

- Any payment for travel must be approved by a senior agency official. You may also seek prior review from the Ethics Law and Programs Division, which will advise on whether the gift meets statutory and regulatory requirements and whether acceptance is consistent with Department policy. However, even if a gift meets these standards, an agency management official must make the final decision on whether to accept the travel gift.

Are there any reporting requirements for a travel gift?

- Yes, a payment or in-kind gift for official travel, like all gifts to an agency, must be reported on a form CD 210, Record of Gift or Bequest, and, if greater than \$250, on a form SF 326, Acceptance of Payment from a Non-Federal Source for Travel Expenses. These forms are used even if the travel gift is from a foreign government and the travel is overseas. These forms are available through links on the webpage of the Ethics Law and Programs Division at www.commerce.gov/ethics.